

*judge to rule on acceptability of these for opening statement - i.e., we will be allowed to present evidence.*

1. The procedures by which the Government controls the dissemination of classified Government studies to show that it is not a lawful function and to show that the alleged acts of the defendants do not differ from the way in which the Government controls the dissemination of classified information.

2. Defendants knowledge of whether the studies were Government property. *[Defendants believe this to be relevant to the conspiracy charge, on any view of the law. § under § 641.]*

3. The fact that these documents were not properly classified.

4. The defendants' intentions in relation to whether there was a conspiracy, whether in relation to counts 8, 9, and 10 they knew or had reason to believe that the documents would be disposed of contrary to law, and with relation to the meaning of willful in 793 (e).

5. The meaning of willful in 793 (e) .

6. The meaning of "connected with the national defense" and related to the national defense"

7. The meaning of communicate, deliver and transmit.

8. Administrative practice in relation to the meaning of "a person not entitled to receive."

9. The meaning of the phrase "not entitled to receive."

10. Administrative practice with regard to the meaning of the phrase "officer and or employee of the United States entitled to receive them."

11. The meaning of national defense in light of Heine.

12. The distribution of copies of the 38 volumes as part of the complete 47 volume set in relation to whether the Government continued to control the information and whether it put it into the public domain.

13. Administrative practice with regard to the handling and storage of classified documents in relation to the allegation that possession became unauthorized because of violations of regulations related to handling and storage.

14. The procedures by which the studies were produced, copies were made, and the 38 volumes were sent to RAND and stored there. The same for the other two items listed in Count Fourteen.